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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. $10,594.00 IN U.S. CURRENCY, Defendant.	Case No. 07cv2007-DMS(WMc) NOTICE OF MOTION AND MOTION FOR JUDGMENT BY DEFAULT AS TO AMBROSIO ARELLANO, ROSA MARIA ARELLANO, AND ALL POTENTIAL CLAIMANTS DATE: August 29, 2008 TIME: 1:30 p.m. CTRM: 10 NO ORAL ARGUMENT PURSUANT TO LOCAL RULE

TO: AMBROSIO ARELLANO and ROSA MARIA ARELLANO, THROUGH THEIR ATTORNEY OF RECORD, DONOVAN J. DUNNION,

PLEASE TAKE NOTICE that on August 29, 2008, at 1:30 p.m., or as soon thereafter as counsel may be heard, before the Honorable Dana M. Sabraw, United States District Court, Courtroom 10, 940 Front Street, San Diego, California, Plaintiff, United States of America, by and through its attorneys, Karen P. Hewitt, United States Attorney, and David M. McNees, Special Assistant United States Attorney, will move the Court, pursuant to Rule 55(b)(2), Federal Rules of Civil Procedure, for a judgment by default in the instant case as to the interest of Ambrosio Arellano, Rosa Maria Arellano, and all potential claimants.

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This motion is based on the files and records of this case, including the attached Memorandum of Points and Authorities (Exhibit 1), the Clerk's Entry of Default dated July 9, 2008 (Exhibit 2), and Declaration of David M. McNees (Exhibit 3).

DATED: July 22, 2008

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/David M. McNees

DAVID M. McNEES
Special Assistant U.S. Attorney
Attorneys for Plaintiff
United States of America
Email: david.mcnees@usdoj.gov

EXHIBITS

TO

MOTION FOR JUDGMENT BY DEFAULT

U.S. v. $10,594.00 IN U.S. CURRENCY

Civil No. 07cv2007-DMS(WMc)

Exhibit 1	Memorandum of Points and Authorities
Exhibit 2	Clerk's Default as to Ambrosio Arellano, Rosa Maria Arellano, and All Potential Claimants
Exhibit 3	Declaration of David M. McNees

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. $10,594.00 IN U.S. CURRENCY, Defendant.	Case No. 07cv2007-DMS(WMc) CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that:

I, David M. McNees, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, CA 92101-8893.

I am not a party to the above-entitled action. I have caused service of the NOTICE OF MOTION AND MOTION FOR JUDGMENT BY DEFAULT AS TO AMBROSIO ARELLANO, ROSA MARIA ARELLANO, AND ALL POTENTIAL CLAIMANTS and exhibits on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

1. Donovan J. Dunnion

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 22, 2008.

s/ David M. McNees
DAVID M. McNEES